

48A C.J.S. Judges § 55

Corpus Juris Secundum | August 2023 Update

Judges

Joseph Bassano, J.D.; Khara Singer-Mack, J.D.; Thomas Muskus, J.D.; Karl Oakes, J.D. and Jeffrey J. Shampo, J.D.

III. Term and Tenure of Office; Vacancy

C. Commencement of Term

§ 55. Generally

[Topic Summary](#) | [References](#) | [Correlation Table](#)

West's Key Number Digest

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A judge's term of office begins at the time fixed by applicable constitutional or statutory provision.

The time when a judge's term of office begins is that fixed by the constitution¹ or statute² in force at the time of his or her selection.³ In the absence of conflict with constitutional provisions, the legislature may prescribe the period of commencement.⁴ A newly elected judge may not begin his or her term before the official commencement date.⁵

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Footnotes

¹ Pa.—*Reed v. Sloan*, 25 Pa. Commw. 570, 360 A.2d 767 (1976), judgment aff'd, 475 Pa. 570, 381 A.2d 421 (1977).

As to date of commencement of the term of public officers, see [C.J.S., Officers and Public Employees § 143](#).

² Pa.—*Reed v. Sloan*, 25 Pa. Commw. 570, 360 A.2d 767 (1976), judgment aff'd, 475 Pa. 570, 381 A.2d 421 (1977).

³ Neb.—*Garrotto v. McManus*, 185 Neb. 644, 177 N.W.2d 570 (1970).

⁴ Ind.—*State ex rel. Middleton v. Scott Circuit Court of Scott County*, 214 Ind. 643, 17 N.E.2d 464 (1938).

Different days for different judges proper

Ohio—*State ex rel. Gustafson v. Krause*, 131 Ohio St. 97, 5 Ohio Op. 442, 1 N.E.2d 937 (1936).

5 Tex.—[Ex parte Sanders](#), 147 Tex. 248, 215 S.W.2d 325 (1948).

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